

**SUTTON PLANNING BOARD**  
**Meeting Minutes**  
**December 6, 2021**

Approved \_\_\_\_\_

\*Note- This meeting was held in person and via Zoom in accordance with recently enacted legislation. The Chair read a notice regarding the hybrid meeting format. (see end of minutes)

Present: M. Gagan, R. Largess Jr., W. Baker, W. Talcott, Associate (acting as full member)

Present via Zoom: None

Absent: S. Paul

Staff: Jen Hager, Planning & Economic Development Director

**Public Hearings**

Unified – Definitive Subdivision – Boston and Providence Roads

The Chairman made a brief statement noting that this hearing is not about taxes on this parcel, nor is it about specific potential business or buildings, it is strictly about a proposed roadway and various lots divided off this roadway.

R. Largess Jr. read the hearing notice as it appeared in The Chronicle.

The following people were present on behalf of the applicant:

Matthew Piekarski, Director of Development, Kraft Group

John Kucich, P.E., Principal, Bohler Engineering

Michael Scott, Esq., Nutter, McClellan & Fish LLP

Matt Piekarski provided background on the property summarizing that Unified, a partnership between Atlas Box and Rand Whitney, had purchased a conglomeration of approximately 440 acres in northeast Sutton (400 in Sutton) in order to consolidate and expand their operations and provide customer opportunities.

He reviewed the order in which they will pursue permitting starting with the current application for subdivision approval of a new roadway and five lots off the new roadway. After the lots are established they will likely proceed with site plan and any required special permits for Lot 1 with an application for Lot 2 to follow shortly.

He added the development team has received comments from the Town's consulting engineer, the Planning Director, and various departments. They will provide response to comments and make appropriate plan changes. He noted they are in the hearing process with Conservation Commission as well.

J. Kucich reviewed the layout of the proposed roadway including stormwater features. He also summarized likely minimum improvements to Boston Road which include some widening and an east bound left turn lane into the site.

W. Talcott asked if the roadway will be public or private and what the timing would be on improvements to Boston Road. M. Piekarski stated the roadway is intended to stay private.

The roadway will be installed to accommodate development of one or more lots and if site plan review showed the need for additional offsite roadway improvements all improvements would be done at one time.

R. Largess Jr. noted the funding the State put into the Boston Road/Route 146 intersection so that it functions properly and that this intersection needs to continue to function well as this property is built out. He also noted that every effort must be made to avoid impacts within Wilkinsonville Village.

M. Piekarski stated they will be requesting various waivers from the Subdivision Rules and Regulations that will be reviewed during the hearing process, but there are two that need current action. The first waiver is from Section 2.D. This section states that from the time of filing until a permit is granted and the appeal period runs without appeal, the tract shall not be cleared or have earth removed. There is significant site work ongoing under the auspices of the Planning Department and Building Inspector who is the town's Stormwater Authority. They are operating in accordance with a SWIP and NPDES permit. All work is contained to the site with no earth leaving the property. They have also obtained all Conservation permitting for areas within this jurisdiction. They are trying to meet an aggressive schedule and request that the Board allow them to continue site work under the existing oversight. The second set of waivers they are requesting is from Sections 3.C.1.f., 3.C.2., 3.C.2.g. for scale of plans. Because the site is so big, the locus plan and general plan sheets use a scale other than prescribed by the regulations.

The Chairman reviewed ground rules for discussion including the need to be civil when discussing what can be an emotionally charged issue. He asked that comments be kept to around 3-5 minutes, and that non-repetitive comments are appreciated.

William Bonin of 650 Central Turnpike expressed concerns with wear and tear of trucks on public roadways and asked if a condition could be placed requiring the developer to repair future damage. The Chairman stressed the Board has placed conditions to monitor traffic levels post construction to ensure they are as presented during the hearing process. They are likely to do so in this case as the development moves into the site plan review phases. J. Hager noted there are limits to the conditions the Board can place in terms of wear and tear on public roadways particularly as more than vehicles and trucks from this development use area public roadways. Any roadway improvements like new lanes, or lights, etc. that are required to deal with traffic generated by the uses on these sites will be funded by the applicant.

James LaPlante of 26 Heritage Road expressed concerns with stormwater and wastewater as it related to the public water supply well head. J. Hager stated wastewater will be pumped into the public sewer system and storm water is being reviewed by the Town's consulting engineer. She added Wilkinsonville Water District has reviewed the filing and has provided comments. He expressed constraints of understanding impacts when the tenant is not known. J. Hager noted the Board will be able to understand potential impacts of wastewater, traffic, stormwater, and the like once site plan applications are filed. She stressed the Board will be reviewing these plans considering the type of use, not a particular user. The name of the tenant isn't important, and it's not legal to rule based on the name of a company, the type of use and specific impacts are what is weighed.

Mario Gaimei of 86 Boston Road asked why the roadway would be private as opposed to public. He noted if traffic is prohibited from using this roadway it will not improve conditions in Wilkinsonville center and will still likely make things worse there. He requested the developer be neighborly and not gate this roadway. M. Piekarski responded that while Unified intends to continue to own and control all land within this development they have no intent to gate the roadway. The roadway will be constructed to town roadway standards.

Robert Nunnemacher of 24 Singletary Avenue stated he has no issue with the proposed subdivision but stated the Planning Board, the Select Board and the rest of the Town should be thinking about the overall impacts not just traffic. He stressed Sutton doesn't want to be like Millbury that years after the Shoppes development is now funding a major overhaul to McCracken Road because of lack of foresight. He noted this isn't an issue with Atlas/Unified, who have been good corporate citizens, but what happens to the Town of Sutton moving into the future.

Brian Stevenson of 664 Central Turnpike asked if the exit to Boston Road will be right turn only. He also expressed concerns about the impact on side roads and intersections like Central Turnpike and West Sutton Road. He noted this is a huge site that could support the likes of Gillette Stadium and the Board must consider the potential impacts. J. Hager noted the Board can restrict truck traffic to right turn only if it is shown as necessary within traffic studies, but typically wouldn't restrict employee access points. There are limitations on restricting use of public roadways unless there is a structural reason, like a bridge with a weight limit, that prohibits its use.

R. Largess Jr. pointed out the Police station is now on Central Turnpike so that should be helping monitor traffic and other compliance issues. He wondered if there is a way to keep truck trips from coming in through Wilkinsonville. W. Baker said if someone is coming from the east they should enter via the Providence Road entrance and if they are coming from the west they will come through the Boston Road entrance and then there is no need to make the west bound turn in the center of Wilkinsonville.

Colby Girard of 17 Irma Jones Road is one of the owners of a direct abutter Al's Rubbish. He asked if there would be improvements to Providence Road. He expressed concerns with the speed of travel on the roadway and asked if there will be any mitigation on Providence Road to ensure adequate turning ability and radii for trucks. J. Hager confirmed the roadway will have an adequate turning radius for trucks. They will also have to determine potential traffic volume on Providence Road and add mitigation on that roadway if need be. He also noted some concerns with navigation under the railroad bridge.

Brandon Shank of 80 Dudley Road said the construction going on right now is very loud and feels very close. He asked if there is any proposed sound mitigation during and after construction.

Bill Walker of 82 Boston Road expressed concern with increasing traffic at the Boston Road/Providence Road intersection. J. Hager reviewed likely travel routes to and from the site and restated one of the major concerns as the actual development of parcels moves forward is to avoid impacts in Wilkinsonville Center.

Tracey Connors of 34 Heritage Road asked about the buffer to her neighborhood and wetland impacts. J. Hager explained there is a mandatory 100' separation of any parts of the active use from the zoning district line which currently runs up the east side of the power lines adjacent to the Heritage Road neighborhood. Wetland impacts have been reviewed by, and are begin monitored by, the Conservation Commission.

Dan Pedersen of 83 Providence Road, a direct business abutter, noted the workers on the site have been awesome. He stated truck traffic at Boston Road is critical to control and that making and using the proposed roadway as a public roadway would benefit Boston Road and Buttonwood Avenue.

M. Gagan stated written comments have been received from Graves Engineering, the Planning Director, Assessors (2), Conservation and Provencher Engineering on behalf of Wilkinsonville Water District.

He noted that the Board and the development are capturing all concerns and that the applicant will provide written responses to these comments.

With no additional public comments, the Board considered the two waivers that need current attention.

Motion: To waive strict compliance with the plan scales stated in Sections 3.C.1.f., 3.C.2., 3.C.2.g. and allow the scale as submitted as all details can be read as presented, R. Largess Jr.  
 2<sup>nd</sup>: W. Baker  
 Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

The Board discussed hours of operation. M. Piekarski stated they are currently working 5 days a week from 7 AM to 4 PM. J. Hager noted the permit for Blackstone Logistics allowed equipment to be started at 6:30 AM from Nov 15 to April but not moved until 7 AM. It also allows emergency work outside standard hours with notice to Planning and the Police Department.

W. Talcott asked about current controls on the site. J. Hager explained that anyone can clear and move things around on their private property without permission from the Town if it is under a certain area and outside Conservation jurisdiction. In this case, parts of the site are in Conservation jurisdiction and have been permitted by the Commission. As the overall area being disturbed is well over the limit, they have to have permission and provide plans and information etc. to the Building Commissioner as the town's Stormwater Authority.

Motion: To grant a waiver from Section 2.D. to allow work to continue on the site provided that no earth is removed from the site without further required permitting and that hours of operation will be limited to Monday –Friday from 7 AM to 4 PM except for the period of Nov. 15 to April 1 where equipment may be started at 6:30 but not moved until 7 AM. Additionally, emergency work may take place on Saturdays with notice to the Planning Department and Police Department, W. Baker  
 2<sup>nd</sup>: W. Talcott  
 Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Motion: To continue the public hearing to December 20, 2021 at 7:15 PM,  
 2<sup>nd</sup>: W. Baker  
 Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

### **Blackstone Logistics Center - Amendments to Site Plan and Special Permit and Earth Removal Exemption**

R. Largess Jr. read the hearing notice as it appeared in The Chronicle.

The following individuals were present on behalf of the applicant:

Todd Brodeur Esq., Fletcher Tilton PC  
 Daniel Feeney P.E., Beals & Thomas  
 Leo, Scannell Properties  
 Daniel, Scannell Properties

T. Brodeur explained there is still no tenant confirmed for the site. They are before the Board asking for amendments due primarily to negotiations with National Grid about construction adjacent to their towers and within their easement.

Additionally, discussion with perspective tenants has prompted them to shrink the building a little in lieu of adding a little more parking and a dedicated entry lane along the west side of the property. They also have a potential water tower shown north of the building but may not need this tower depending on the timing of water line extensions from Douglas that may be able to provide sufficient flow and pressure. They are requesting 6 additional feet on the height because there continues to be varying interpretations on the definition of height, so they felt it was wise to just stop all discussion by asking for this additional height. The request for the “warehousing with distribution” use permit will replace the previous use permit for the now non-existent “warehouse and trucking services” use category. The intention for the proposed use has not changed in any way, this is a housekeeping request.

D. Feeney reviewed proposed changes to the site plan, including a “kink” in the circulation east of the building to stay a required distance from National Grid’s power line towers. This adjustment will also require that a stretch of ten adjacent loading docks will be designated for box trucks only. As the building is smaller, the traffic numbers have decreased slightly.

There were no public comments. Comments received from Graves Engineering and the Planning Director were minimal and easily addressed.

T. Brodeur asked how de minimis changes can be dealt with going forward as it’s hard to coordinate the three towns that are involved. M. Gagan stated the applicant should continue to follow current protocol by having the Planning Director review the changes and if she thinks they need to go to the Board they will, and if not they can be handled as field changes and shown on the AsBuilt plans.

W. Talcott noted the size change has reduced the building width by 35-40’. He asked if they have any concerns about marketability with the reduction. T. Brodeur stated prospective tenants were more concerned with the access drive than building area.

D. Feeney reviewed the sound wall change from PVC to aluminum. He stated that Cavanagh Tocci has reviewed the material and confirmed it has the same sound attenuation.

Motion: To grant an amendment to the Route 146 Overlay Special Permit recorded at the WDRD in Book 66075 Page 217 in accordance with the plan set dated November 3, 2021, and to reaffirm all waivers granted and conditions placed on the previous Special Permit and additionally conditioned on compliance with the Graves Engineering review letter dated 12/6/21 and that the detail sheet be adjusted to show the aluminum sound walls including design and color as opposed to the PVC sound walls, W. Baker

2<sup>nd</sup>: R. Largess Jr.

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Motion: To grant the Special Permit for the use “warehouse with distribution” at this site acknowledging this new use category represents the same use intended by the original grant of special permit for use recorded at the WDRD in Book 66075 Page 231 and to reaffirm all waivers granted and conditions placed on this previous Special Permit and additionally conditioned on compliance with the Graves Engineering review letter dated 12/6/21, W. Baker

2<sup>nd</sup>: W. Talcott

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

The Board made the following findings with respect to the request for amendment to the special permit for height:

The 6' increase in height is immaterial with respect to the appropriateness of this site for this location, as the site is zoned for this use and the height increase is minimal.

The 6' increase in height will have no effect on water and sewer usage.

The 6' increase in height will not have any material effect on the neighborhood.

The 6' increase in height will not have any effect on traffic generation and/or movement.

The 6' increase in height may have an improvement on the proper design of the building for efficient use, but will not have a negative effect.

Motion: To grant an amendment to the Special Permit for Height recorded at the WDRD in Book 66075 Page 227 by allowing a height increase from 49' to 55' in accordance with the plan set dated November 3, 2021, and to reaffirm all waivers granted and conditions placed on the previous Special Permit and additionally conditioned on compliance with the Graves Engineering review letter dated 12/6/21, W. Baker

2<sup>nd</sup>: R. Largess Jr.

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Motion: To grant Site Plan Approval for modifications to the previously approved site plans dated 6/10/21, 5/21/21 & 4/28/21, said modifications are as shown on the revised plan set dated November 3, 2021, and to reaffirm all waivers granted and all conditions placed during the previous Site Plan Approval and additionally conditioned on compliance with the Graves Engineering review letter dated December 6, 2021 and that the detail sheet be adjusted to show the aluminum sound walls including design and color as opposed to the PVC sound walls, W. Baker

2<sup>nd</sup>: R. Largess Jr.

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Motion: To grant the earth removal exemption to allow the removal of 25,000 c.y. from the site over a period of 12 months with the following conditions: W. Baker

1. Approval of all other applicable Boards, Commissions, and departments.

2. Compliance with overall hours of operation for this site granted through Site Plan Review.

3. Earth removal truck trips shall travel directly to and from Route 146 with no use of local roadways

2<sup>nd</sup>: R. Largess Jr.

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Motion: To close the public hearing, R. Largess Jr.

2<sup>nd</sup>: W. Baker

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

## Action Items

### 126 Dodge Hill Road Retreat Lot – Endorse Covenant & Plan

Motion: To endorse the covenant and the plan dated 11/2/21 for the retreat lot at this location, M. Talcott

2<sup>nd</sup>: R. Largess Jr.

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

## **Administrative Items**

Motion: To approve the minutes of 11/8/21, R. Largess Jr.  
2<sup>nd</sup>: W. Talcott  
Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

### **Filings:**

176 Worcester Providence Turnpike – Site Plan Waiver and Special Permit – The Board acknowledged this application is to locate a retail gun shop in this multi-tenant building. The hearing will be scheduled for December 20<sup>th</sup>.

Board Business: None

### **Correspondence:**

- Article – Vocational Education: W. Baker provided an article about the importance of vocational education.

Motion: To adjourn, R. Largess Jr.  
2<sup>nd</sup>: W. Baker  
Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

Adjourned 9:24 PM

### **Covid Meeting Statement:**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format with both in-person and Zoom component. To join the meeting visit [www.zoom.us/join](https://www.zoom.us/join) and enter **Meeting ID: 814 8861 8362**  
**Passcode: 994758**. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available.